

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN C. MITCHELL, ALAN J. HEARD,
STEVEN N. CORBETT, and NICHOLAS J. DANIEL
Junior Party
(Patent No. 5,799,273),

v.

DOUGLAS HOLT, MICHAEL K. DAVIS,
and JOSEPH H. MIGLIETTA

Senior Party
(Application No. 09/351,542).

Patent Interference No. 105,746
(Technology Center 2600)

1 Before JAMESON LEE, SALLY GARNER LANE, and SALLY C.
2 MEDLEY, *Administrative Patent Judges*.
3
4 MEDLEY, *Administrative Patent Judge*.

5 **Judgment – Merits – Bd.R. 127**

6 In a concurrent paper, we determined that all of Holt's involved

1 claims are unpatentable under 35 U.S.C. § 112, first paragraph, for lack of
2 written description in the specification. Moreover, Holt's motion to add a
3 claim to the interference was denied. Accordingly, Holt is without standing
4 to continue in the interference.

5 Accordingly, it is

6 **ORDERED** that judgment is entered against Holt for count 1
7 (Paper 1 at 4);

8 **FURTHER ORDERED** that claims 51-57, 59-62, 68-76, 78
9 and 80-94 of Holt's involved application are **FINALLY REFUSED**, 35
10 U.S.C. § 135(a); and

11 **FURTHER ORDERED** that the parties shall note the
12 requirements of 35 U.S.C. § 135(c) and Bd.R. 205; and

13 **FURTHER ORDERED** that a copy of this judgment be
14 entered in the administrative records of the involved Mitchell patent and
15 Holt application.

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